

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS LLC
Petitioner

v.

MOTION OFFENSE, LLC
Patent Owner

IPR2020-00705
Patent 10,013,158

MOTION TO SEAL
AND FOR ENTRY OF PROTECTIVE ORDER

Petitioner Unified Patents LLC (“Petitioner”) hereby moves for entry of the Protective Order appended below as Appendix A, and further moves to seal the Patent Owner’s Preliminary Response.

I. MOTION TO SEAL

In an inter partes review, it is the default rule that all filings are publicly available. 35 U.S.C. § 326(a)(1) and 37 C.F.R. § 42.14. Where a paper contains confidential information, a petitioner may file “a motion to seal with a proposed protective order as to the confidential information.” 37 C.F.R. § 42.55; see also 35 U.S.C. § 326(a)(1). A motion to seal and to enter a protective order will only be granted if the movant demonstrates a showing of “good cause.” 37 C.F.R. § 42.54(a). The Board has established a four-pronged test that must be met for a motion to seal to be granted:

a movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Argentum Pharm. LLC v. Alcon Research, Ltd., IPR2017-01053, Paper 27 at 4 (Jan. 19, 2018) (informative) (citing to inter alia 37 C.F.R. § 42.54(a)).

Pursuant to the Protective Order, Petitioner produced certain discovery to Patent Owner in the form materials relating to Unified's membership. The Patent Owner's Preliminary Response contains some of this material.

The POPR satisfies the four-pronged test in *Argentum*.

Firstly, the materials contain non-public proprietary information the Petitioner maintains as confidential. Second Unified's membership is confidential business information of the Petitioner that is not generally known to the public and the disclosure of which would cause harm to Petitioner. Third, Unified's disclosure includes confidential, sensitive commercial information, including closely held information related to Unified's core business. Unified guards such information closely to protect its members as well as its own business. Unified has not made, and does not intend to make, this information publicly available.

Unified's membership constitute highly confidential business information, as well as trade secrets. Several potential harms would occur if this highly confidential business information were to be disclosed. For example, disclosure of this information to the public would provide Unified's unique, valuable business model. Additionally, Unified has a contractual obligation with third parties not involved in this proceeding to maintain the confidentiality of this highly confidential business information. Without an assurance that this highly

confidential business information will be protected, Unified's members wishing to remain confidential may be adversely affected. Disclosure of this information to the public will not only harm Unified, as discussed above, but would also harm a third party not involved in this proceeding. The public interest will not be harmed by sealing of the confidential business information. Accordingly, the Petitioner believes the interest in maintaining confidentiality outweighs the public interest in having an open record and the documents should be sealed. Petitioner respectfully requests that the Board grant this motion to seal.

II. MOTION FOR PROTECTIVE ORDER

The agreed-upon Protective Order differs from the Board's Default Protective Order in Appendix B of the Patent Trial and Appeal Consolidated Trial Practice Guide, November 2019 ("Trial Guide") in that the default Protective Order has been modified to include the "PROTECTIVE ORDER MATERIAL – ATTORNEY'S EYES ONLY" designation for any documents, materials, testimony, or information that the designating party believes, in good faith, constitutes or contains trade secrets or other non-public, highly sensitive confidential research, development, technical, business, and/or financial information that has not become public. The modified protective order also specifies access to such ATTORNEY'S EYES ONLY information. These

additional changes are designed to limit access to certain materials by each party's representatives and in-house counsel with competitive decision-making authority. The agreed-upon Protective Order is attached as Appendix A.

Petitioner submits that such additional limitations to the Protective Order are necessary. In particular, the Patent Owner Preliminary Response, including Exhibits 2002 and 2004, contains highly confidential, competitively-sensitive information relating to Unified's members. Additionally, it may be necessary to produce or file highly confidential, competitively-sensitive information in this case.

The Petitioner submits that in view of the highly confidential nature of the material that has been produced and filed thus far and that may be produced or filed in this proceeding good cause exists to enter the Protective Order.

Accordingly, Petitioner moves for entry of the attached protective order.

III. NON-CONFIDENTIAL VERSIONS BEING SUBMITTED

As required by the Trial Guide and the Board's Default Protective Order, Petitioner submits herewith non-confidential versions of the Patent Owner's Preliminary Response, Exhibit 2002 and Exhibit 2004, attached as Appendixes C-E respectively. Confidential versions of these documents have already been submitted by the Patent Owner. The redactions are minimal, and limited in nature and scope to the confidential data.

IV. CONCLUSION

The undersigned counsel for Petitioner certifies the information sought to be sealed by this Motion to Seal has not been published or otherwise made public.

August 3, 2020

Respectfully submitted,

/David M. Tennant/

David M. Tennant
Registration No. 48,362
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on August 3, 2020
a copy of the foregoing MOTION TO SEAL AND FOR ENTRY OF
PROTECTIVE ORDER was provided via email to:

Timothy Devlin (email: TD-PTAB@devlinlawfirm.com)

Derek Dahlgren (email: ddahlgren@devlinlawfirm.com)

dlflitparas@devlinlawfirm.com

August 3, 2020

Respectfully submitted,

/David M. Tennant/

David M. Tennant
Registration No. 48,362

APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents, LLC,

Petitioner,

v.

MOTION OFFENSE, LLC,

Patent Owner.

Case IPR2020-00705

Patent 10,013,158

PROTECTIVE ORDER

WHEREAS, Unified Patents, LLC and Motion Offense, LLC (collectively “parties” and, as the context requires “party”) are private entities that desire to keep confidential, in good faith, information that is not reasonably believed to be in the public domain; and

WHEREAS, to promote fairness and efficiency in this proceeding without the need to seek a separate protective order for each competitively sensitive document and/or any competitively sensitive information requested or exchanged, including, but not limited to, trade secrets or other confidential research, development or other commercial information, the parties desire to voluntarily enter into this Protective Order.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, as follows:

1. “Confidential information” includes information (regardless of how it is generated, stored, or maintained) or tangible things that would qualify for protection under Federal Rule of Civil Procedure 26(c) or any other applicable rule of procedure, evidence, and/or substantive law.
2. Confidential Information shall be clearly marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Confidential Information shall include

information disclosed by one party to the other, which, if in written, graphic, machine-readable or other tangible form is marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or which, if disclosed orally or by demonstration, is identified at the time of initial disclosure as confidential. Confidential Information shall not include any Information which (i) the parties agree, or the Board rules, is already public knowledge, (ii) the parties agree, or the Board rules, has become public knowledge other than as a result of disclosure by the receiving party, or (iii) is in the receiving party’s legitimate possession independently of the producing party.

3. In the event that Confidential Information is made available for inspection, marking such information CONFIDENTIAL - PROTECTIVE ORDER MATERIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY need not be completed with respect to inspected materials until copies of the materials are produced. Making documents and things available for inspection shall not constitute a waiver of any claim of confidentiality, and all materials provided for inspection by the party’s counsel shall be treated as though designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY at the time of the inspection, unless otherwise agreed by the parties in writing.

4. Any party may challenge a designation of confidentiality at any time. In the event of a challenge, the parties shall attempt to resolve such challenge in good faith and must meet and confer directly in voice to voice dialogue in connection with doing so.
5. **HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY** Information may be disclosed only to:
 - (a) Outside counsel of record for a party in the proceeding, including employees of outside counsel of record’s law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view **HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY** Information.
 - (b) Experts. Retained experts of a party in the proceeding who are not employed by any party, not a competitor to any party, and not a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding and certify in accordance with and sign the Standard Acknowledgment for Access to Protective Order

Material (“Acknowledgment”), which is attached to this Protective Order as Exhibit A.

- (c) The Office. Employees and representatives of the United States Patent and Trademark Office and Patent Trial and Appeal Board who have a need for access to the information shall have such access without the requirement to sign the Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.
 - (d) Support Personnel. Administrative assistants, clerical staff, court reporters, outside copying and exhibit preparation services and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding and who execute the Acknowledgement.
6. CONFIDENTIAL - PROTECTIVE ORDER MATERIAL may be disclosed only to the following individuals:
- (a) Above Personnel. Those persons or entities identified in paragraph 5 of this Protective Order under the conditions set forth in that paragraph.

- (b) Parties to the Present Proceeding. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding, who sign the Acknowledgment.
 - (c) In-house counsel. In-house counsel of a party who signs the Acknowledgement.
 - (d) Other Employees of a Party. No more than two (2) employees of each party who have been designated to assist with this matter who sign the Acknowledgement.
7. Persons receiving Confidential Information shall use reasonable efforts to maintain the confidentiality of the information, including:
- (a) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
 - (b) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the receiving party uses to maintain the confidentiality of information not received from the disclosing party;
 - (c) Ensuring that support personnel of the receiving party who have access to the Confidential Information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

- (d) Limiting the copying of Confidential Information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.
- 8. Persons receiving Confidential Information shall use the following procedures to maintain the confidentiality of the information:
 - (a) Documents and Information Filed With the Board.
 - (i) A party may file documents or information with the Board under seal, together with a non-confidential description of the nature of the Confidential Information that is under seal and the reasons why the information is confidential and should not be made available to the public. The submission shall be treated as confidential and remain under seal, unless, upon motion of a party and after a hearing on the issue, or *sua sponte*, the Board determines that the documents or information do not qualify for confidential treatment.
 - (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and nonconfidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-

confidential version is confidential and should not be made available to the public. The nonconfidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless, upon motion of a party and after a hearing on the issue, or *sua sponte*, the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(b) Documents and Information Exchanged Among the Parties.

Information designated as Confidential Information that is disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” respectively, and shall be exchanged in a manner that maintains its confidentiality.

9. Unless otherwise provided herein, redacted copies of documents may be produced where the redacted portions contain privileged matter. Any redactions must be conspicuous.

10. All Confidential Information, whether marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” shall be used only for this proceeding and shall not be used for any other purpose.
11. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

Unified Patents, LLC

By: /s/ David M. Tennant

David M. Tennant (Reg. No. 48,362)
Lead Counsel for Unified Patents, LLC

Motion Offense, LLC

By: /s/ Derek F. Dahlgren

Derek F. Dahlgren (*pro hac vice* pending)
Backup Counsel for Unified Patents, LLC

EXHIBIT A

UNIFIED PATENTS, LLC. v. MOTION OFFENSE, LLC.

Case IPR2020-00705

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on _____, 20____.

APPENDIX B

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents, LLC,

Petitioner,

v.

MOTION OFFENSE, LLC,

Patent Owner.

Case IPR2020-00705

Patent 10,013,158

PROTECTIVE ORDER

~~The following Default Protective Order will govern the filing and
treatment of confidential information in the proceeding:~~

~~I. — Default Protective Order~~

~~This protective order governs the treatment and filing of confidential information, including documents and testimony.~~

~~1. Confidential information shall be clearly marked
“PROTECTIVE ORDER MATERIAL.”~~

~~2. Access to confidential information is limited to the following
individuals who have executed the acknowledgment appended to this order:~~

~~(A) Parties. Persons who are owners of a patent involved in the proceeding
and other persons who are named parties to the proceeding.~~

~~(B) Party Representatives. Representatives of record for a party in the
proceeding.~~

WHEREAS, Unified Patents, LLC and Motion Offense, LLC (collectively “parties” and, as the context requires “party”) are private entities that desire to keep confidential, in good faith, information that is not reasonably believed to be in the public domain; and

WHEREAS, to promote fairness and efficiency in this proceeding without the need to seek a separate protective order for each competitively sensitive document and/or any competitively sensitive information requested or exchanged, including, but not limited to, trade secrets or other confidential research, development or other commercial information, the parties desire to voluntarily enter into this Protective Order.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED,
as follows:

1. “Confidential information” includes information (regardless of how it is generated, stored, or maintained) or tangible things that would qualify for protection under Federal Rule of Civil Procedure 26(c) or any other applicable rule of procedure, evidence, and/or substantive law.
2. Confidential Information shall be clearly marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Confidential Information shall include

information disclosed by one party to the other, which, if in written, graphic, machine-readable or other tangible form is marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or which, if disclosed orally or by demonstration, is identified at the time of initial disclosure as confidential. Confidential Information shall not include any Information which (i) the parties agree, or the Board rules, is already public knowledge, (ii) the parties agree, or the Board rules, has become public knowledge other than as a result of disclosure by the receiving party, or (iii) is in the receiving party’s legitimate possession independently of the producing party.

3. In the event that Confidential Information is made available for inspection, marking such information CONFIDENTIAL - PROTECTIVE ORDER MATERIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY need not be completed with respect to inspected materials until copies of the materials are produced. Making documents and things available for inspection shall not constitute a waiver of any claim of confidentiality, and all materials provided for inspection by the party’s counsel shall be treated as though designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY at the time of the inspection, unless otherwise agreed by the parties in writing.

4. Any party may challenge a designation of confidentiality at any time. In the event of a challenge, the parties shall attempt to resolve such challenge in good faith and must meet and confer directly in voice to voice dialogue in connection with doing so.

5. HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY Information may be disclosed only to:

(a) Outside counsel of record for a party in the proceeding, including employees of outside counsel of record’s law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY Information.

(a)(b) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not employed by any party, not a competitor to any party, ~~or~~and not a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding and certify in accordance with and sign the Standard

Acknowledgment for Access to Protective Order Material
(“Acknowledgment”), which is attached to this Protective Order as
Exhibit A.

~~(C) In-house counsel. In-house counsel of a party.~~

~~(D) Support Personnel. Administrative assistants, clerical staff, court
reporters and other support personnel of the foregoing persons who are
reasonably necessary to assist those persons in the proceeding shall not
be required to sign an Acknowledgement, but shall be informed of the
terms and requirements of the Protective Order by the person they are
supporting who receives confidential information.~~

~~(b)(c)~~ The Office. Employees and representatives of the United States
Patent and Trademark Office and Patent Trial and Appeal Board who
have a need for access to the ~~confidential~~ information shall have such
access without the requirement to sign ~~an~~the Acknowledgement.
Such employees and representatives shall include the Director,
members of the Board and their clerical staff, other support personnel,
court reporters, and other persons acting on behalf of the Office.

~~(d) Employees (e.g., corporate officers), consultants, or other persons
performing work for a party, other than in-house counsel and in-house
counsel’s support staff, who sign the Acknowledgement shall be~~

~~extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.~~ Support Personnel. Administrative assistants, clerical staff, court reporters, outside copying and exhibit preparation services and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding and who execute the Acknowledgement.

6. CONFIDENTIAL - PROTECTIVE ORDER MATERIAL may be disclosed only to the following individuals:

- (a) Above Personnel. Those persons or entities identified in paragraph 5 of this Protective Order under the conditions set forth in that paragraph.
- (b) Parties to the Present Proceeding. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding, who sign the Acknowledgment.
- (c) In-house counsel. In-house counsel of a party who signs the Acknowledgement.

(d) Other Employees of a Party. No more than two (2) employees of each party who have been designated to assist with this matter who sign the Acknowledgement.

2.7. Persons receiving Confidential Information shall use reasonable efforts to maintain the confidentiality of the information, including:

- (a) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
- (b) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the ~~recipient~~receiving party uses to maintain the confidentiality of information not received from the disclosing party;
- (c) Ensuring that support personnel of the ~~recipient~~receiving party who have access to the Confidential Information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
- (d) Limiting the copying of Confidential Information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

3.8. Persons receiving Confidential Information shall use the following procedures to maintain the confidentiality of the information:

(a) Documents and Information Filed With the Board.

- (i) A party may file documents or information with the Board ~~along with a Motion to Seal. The Motion to Seal should provide~~under seal, together with a non-confidential description of the nature of the Confidential Information that is under seal, and ~~set forth~~ the reasons why the information is confidential and should not be made available to the public. ~~A party may challenge the confidentiality of the information by opposing the Motion to Seal.~~ The submission shall be treated as confidential and remain under seal, unless, upon motion of a party and after a hearing on the issue, or sua sponte, the Board determines that the documents or information do not ~~to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information does not~~ qualify for confidential treatment.
- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and ~~non-confidential~~nonconfidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted

from the non-confidential version is confidential and should not be made available to the public. ~~A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential~~ The nonconfidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless, upon motion of a party and after a hearing on the issue, or sua sponte, the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(b) Documents and Information Exchanged Among the Parties.

~~Documents (including deposition transcripts) and other~~ Information designated as Confidential Information that ~~are~~is disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” respectively, and shall be ~~produced~~exchanged in a manner that maintains its confidentiality.

9. Unless otherwise provided herein, redacted copies of documents may be produced where the redacted portions contain privileged matter. Any redactions must be conspicuous.

10. All Confidential Information, whether marked as “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” shall be used only for this proceeding and shall not be used for any other purpose.

4.11. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

Unified Patents, LLC

By: /s/ David M. Tennant

David M. Tennant (Reg. No. 48,362)
Lead Counsel for Unified Patents, LLC

Motion Offense, LLC

By: _____

(k)

APPENDIX C

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents, LLC
Petitioner

v.

Motion Offense, LLC
Patent Owner

Case IPR2020-00705
Patent No. 10,013,158

PATENT OWNER'S PRELIMINARY RESPONSE

Under 37 C.F.R. § 42.107


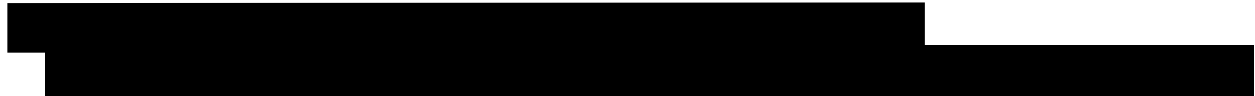
Mail Stop PATENT BOARD
Patent Trial and Appeal Board
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Alexandria, VA 22313-1450
Submitted Electronically via PTAB E2E

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<p>further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder” of Independent Claim 3</p> <p>2. <i>Shapiro</i> Fails to Teach or Suggest “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder” of Independent Claim 3</p> <p>3. <i>Do</i> and <i>Shapiro</i> Do Not Render Obvious Dependent Claims 3- 11 and 13 of the ’158 Patent</p>	<p>26</p> <p>35</p> <p>36</p>
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<i>Unified Patents, LLC et al. v. Hall Data Sync Technologies LLC et al.</i> , IPR2015-00874, Paper 1 (PTAB Mar. 11, 2015)	2
<i>Unified Patents, LLC et al. v. Level 3 Communications, LLC et al.</i> , IPR2014-00702, Paper 1 (PTAB Apr. 28, 2014)	25
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TABLE OF EXHIBITS

Exhibit	Description
2002	[REDACTED]
2003	FAQ page on Unified Patents website
2004	[REDACTED] First Amended Complaint for Declaratory Judgement of Patent Noninfringment and Invalidity

Through the undersigned Counsel, Patent Owner, Motion Offense, LLC (“Motion Offense”) submits the following Patent Owner Preliminary Response pursuant to 37 C.F.R. § 42.107 (a). *See also* 37 C.F.R. § 42.107 (b).

I. INTRODUCTION

Petitioner Unified Patents, LLC (“Petitioner” or “Unified”) filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,013,158 (“the ’158 patent”, Ex. 1001) on April 3, 2020. (IPR2020-00705, Paper No. 2 (“Petition”).) Motion Offense respectfully requests that the Board deny the Petition because Petitioner is statutorily barred from bringing this Petition, and because Petitioner has failed to show that there is a reasonable likelihood that it would prevail with respect to at least one of the challenged claims.

First, Petitioner is barred from bringing the Petition under 35 U.S.C. § 315(a)(1) which states “[a]n inter partes review may not be instituted if, before the date on which the petition for such a review is filed, the petitioner or *real party in interest* filed a civil action challenging the validity of a claim of the patent.”¹ Specifically, Petitioner has failed to identify all real parties in interest (“RPI”) as required by 35 U.S.C. § 312(a)(2). Petitioner failed to identify at least [REDACTED] [REDACTED] one of two companies against which the ’158 patent has been

¹ All emphases are added in this Patent Owner Preliminary Response unless indicated otherwise.

asserted. [REDACTED] will directly benefit from the Petition² [REDACTED]
[REDACTED] [REDACTED] also filed a civil action challenging
the validity of the patent at issue prior to the filing of the Petition. Therefore,
because this civil action challenging the validity of a claim of the patent was
brought by an RPI before Unified filed the Petition, it is statutorily barred by 35
U.S.C. § 315(a)(1) and should be denied.

² [REDACTED]

[REDACTED] *See Unified Patents, LLC et al. v. Verify Smart Corp. et al.*, IPR2016-00836, Paper 1 (PTAB Apr. 13, 2016); *Unified Patents, LLC et al. v. FO2GO LLC et al.*, IPR2016-00454, Paper 1 (PTAB Jan. 11, 2016); *Unified Patents, LLC et al. v. Elia Data of Texas, LLC et al.*, IPR2015-01607, Paper 1 (PTAB July 22, 2015); *Unified Patents, LLC et al. v. Hall Data Sync Technologies LLC et al.*, IPR2015-00874, Paper 1 (PTAB Mar. 11, 2015); *Unified Patents, LLC et al. v. Vantage Point Technology, Inc. et al.*, IPR2015-00732, Paper 1 (PTAB Feb. 13, 2015); *Unified Patents, LLC et al. v. PanTaurus LLC et al.*, IPR2014-01425, Paper 1 (PTAB Aug. 29, 2014); and *Unified Patents, LLC et al. v. Clouding IP LLC et al.*, IPR2013-00586, Paper 1 (PTAB Sep. 16, 2013).

[REDACTED]

[REDACTED]

Second, to the extent the Board decides to review Petitioner’s arguments on the merits, Petitioner has failed to show a reasonable likelihood that it would prevail with respect to the sole asserted ground. Ground I of the Petition alleges that claims 3-11 and 13 are unpatentable under 35 U.S.C. § 103. Notably, only one of these claims, claim 3, is an independent claim from which the remaining challenged claims rely.

Petitioner’s arguments for Ground I rely on two references: *Do* and *Shapiro*. But Petitioner has failed to provide evidence that the combination of *Do* and *Shapiro* would have taught “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder” Thus, Petitioner has failed to make a prima facie showing of obviousness and not met its burden.

For the above reasons, and those set forth below, the Petition should be denied.

II. APPLICABLE LEGAL PRINCIPLES

A. Statutory Bars to Inter Partes Review and Real Party in Interest

A petition must identify each RPI. 35 U.S.C. § 312(a)(2); *see also* 37 C.F.R. § 42.8(b)(1). RPIs can trigger various estoppel provisions, which exists in order “to protect patent owners from harassment via successive petitions by the same or

related parties, to prevent parties from having a ‘second bite at the apple,’ and to protect the integrity of both the USPTO and Federal Courts by assuring that all issues are promptly raised and vetted.” Trial Practice Guide, 77 Fed. Reg. 48759 (Aug. 14, 2012) (“Trial Practice Guide”). One of these estoppel provisions states that where a petitioner or its RPIs has previously filed a declaratory judgement action seeking to invalidate claims of a patent, the petitioner and its RPIs are statutorily barred from challenging the claims of that patent in *inter partes* review. 35 U.S.C. § 315(a)(1).

When a patent owner wishes to dispute a petitioner’s identification of RPIs, “a patent owner must produce some evidence to support its argument that a ***particular third party*** should be named a real party in interest.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018). When there is such a dispute, the Board must then weigh the produced evidence to determine whether the petitioner has properly satisfied its burden to show a correct identification of the RPIs. *Id.* at 1246. Additional discovery may, and frequently is, allowed on this subject. *See RPX Corp. v. Applications in Internet Time, LLC*, 2015 Pat. App. LEXIS 11561 (P.T.A.B., Oct. 20, 2015)

When evaluating the evidence, the term RPI is given its common-law meaning. *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351 (Fed. Cir. 2018) (addressing meaning of same term in context of 35 U.S.C.

§ 315(b)) (“*AIT*”). In the context of an IPR, “at a general level, the ‘real party in interest’ is the party that desires review of the patent,” which may be a party “at whose behest the petition has been filed.” Trial Practice Guide at 48759; *see also AIT*, 897 F.3d at 1347–50.

There is no “bright line test” for determining an unnamed RPI. Trial Practice Guide at 48,759 (citing *Taylor v. Sturgell*, 553 U.S. 880, 893–95 (2008.)) As such, “[d]etermining whether a non-party is a ‘real party in interest’ demands a flexible approach that takes into account both equitable and practical considerations, with an eye toward determining *whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.*” *AIT*, 897 F.3d at 1351.

B. Petitioner’s Burden

In Ground 1, the sole ground at issue, Petitioner asserts that Do (Ex. 1008) in view of Shapiro (Ex. 1009) render obvious claims 3-11 and 13 of the ’158 patent. Petitioner has the burden to show that it is likely to prevail on this Ground as to at least one claim of the ’158 patent. 35 U.S.C. § 314; *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348, 1363 (2018.) However, even then, “the decision whether to institute an *inter partes* review is discretionary.” *Unified Patents Inc. v. C-Cation*

Techs., LLC, IPR2015-01045, Paper 15 at 3 (PTAB Oct. 7, 2015) (citing 37 C.F.R. § 42.108 (a)).

To make a prima facie showing of obviousness under 35 U.S.C. § 103, the Petition must, among other requirements, fulfill the requirements set forth in *Graham v. John Deere Co.*, 383 U.S. 1 (1966), including demonstrating that the cited references disclose each element of a challenged claim. *In re Magnum Oil Tools Int'l.*, 829 F.3d 1364, 1376 (Fed. Cir. 2016); *see also Apple Inc. v. Contentguard Holdings, Inc.*, IPR2015-00442, Paper 9 at 12-13 (PTAB July 13, 2015).

As discussed in more detail below, Petitioner has not made that threshold showing required by *Graham*.

III. TECHNOLOGY BACKGROUND

The '158 patent describes the state of the art at the time of invention as related to the means for sharing files, folders, and other data over a network. According to the Background of the Invention, a problem existed in that each user must know how to configure and/or setup the sharing of these files or folders. (Ex. 1001 at 1:58-60.) As a result, users would experience confusion and difficulty because, for example, sharing a Samba file system is different than sharing a file via cloud-based storage.

As the '158 patent describes, many users were familiar with sharing files, folders, and other data through communications, like sending an attachment in an email. (*Id.* at 63- 67.) Therefore, the '158 patent set out to solve this problem by teaching a method and apparatus for sharing a data object in a data store via a communication. (*Id.* at 2:1-3.)

IV. THE '158 PATENT

A. Brief Description of the '158 Patent Disclosure

The '158 patent is directed to an apparatus and method for sharing a folder and any contents of these folders, such as a file or files, via at least one communication. The '158 patent teaches that through a combination of capabilities or operations involving an email message and a file explorer interface, the folder and any contents of the folder may be shared without an attachment included with the email message. (Ex. 1001 at Abstract.)

The '158 patent describes that, at the time of invention, a problem existed in related copy-sharing technologies: each user must know how to configure and/or setup the sharing of these files or folders. (*Id.* at 1:58-60.) As a result, users would experience confusion and difficulty because, for example, sharing a Samba file system is different than sharing a file via cloud-based storage. Though many users were familiar with sharing files, folders, and other data through communications, like sending an attachment in an email, these earlier systems required specialized

knowledge that was not as well-known. (*Id.* at 63- 67.) The '158 patent, thus, aims to overcome this problem by allowing for the “sharing [of] a data object in a data store via a communication,” making data sharing more rapid and efficient. (158 patent, Ex. 1001 at 2:2-3.)

To accomplish the above, the '158 patent discloses an apparatus that allows for the sharing of folders and files between a first and second node over a network. (*See* FIG. 5 of '158 patent, reproduced below.)

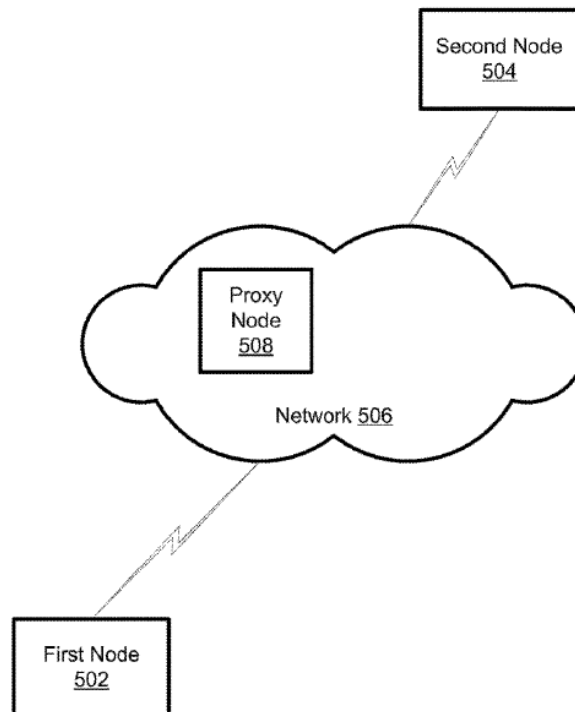


FIG. 5

This apparatus comprises at least one non-transitory memory storing instructions and at least one processor that can execute these instructions. (Ex. 1001 at 2:15-19.) When the apparatus executes these instructions, it causes, at a first node, the display of a first interface with a first user interface element. (*Id.* at 2:19-22.) An example of this first user interface is seen in FIG. 6A of the '158 patent, copied below:

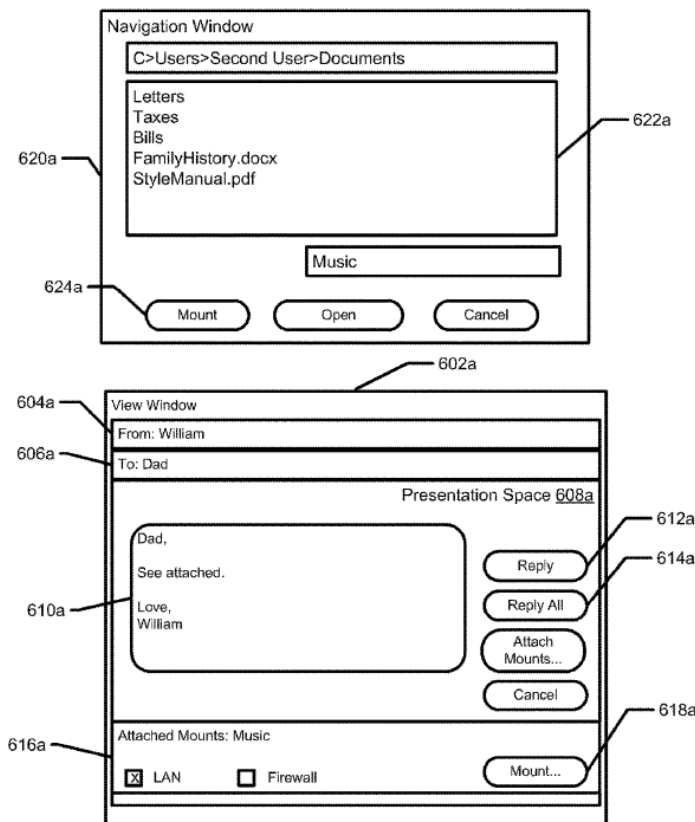


FIG. 6A

Then, from the first node, an indication of a folder may be received by the apparatus. (*Id.* at 2:23-24.) The instructions also cause a display of a second

interface with a second user element to be displayed. (*Id.* at 2:25-28.) Both an indicia associated with at least one email address and an indication to share the folder are received from the first node, along with an indication to share the folder. (*Id.* at 2:29-33.) Based on the indicia and the indications received, an email message identifying the folder and including a reference to the folder is generated. This generated message does not include the contents of the identified and referenced folder as attachments to the email. The email message generated thus far is then sent to a second node via a network, still without the files of the folder as an attachment. (*Id.* at 2:34-44.)

Once received by the second node, the generated message causes creation of a representation of the folder in a location among one or more folders in a file explorer interface. This creation of the representation of the folder is put into motion utilizing code stored *at the second node* configured to cooperate with the file explorer interface. (*Id.* at 2:4-52.) At this time, when the representation of the folder is created, the second node does not store the files, which were not sent as attachments within the generated email message, within the folder. (*Id.* at 2:53-55.)

This representation of the folder is then displayed at the second node among other possible folders in the file explorer interface. An indication to open a file within the represented folder may be detected which, at that point, causes retrieval

of the file over the network to allow display of the file at the second node. (*Id.* at 2:55-64.)

B. Person of Ordinary Skill in the Art

Patent Owner agrees with Petitioner that the level of a person of ordinary skill in the art (“POSITA”) needed to have the capability of understanding the scientific and engineering principles applicable to the ’158 patent is (i) a Bachelor of Science in Electrical Engineering, Computer Engineering or Computer Science, or the equivalent or (ii) one to two years of work experience in file storage, directory mounts, and file transmission in a distributed network environment, or a related field. A higher level of education (e.g., a Master’s degree) may make up for less work experience, and additional work experience (e.g., 5-6 years) may make up for less education. (Decl. of Dr. Peter Alexander as Ex. 1002.)

V. CLAIM CONSTRUCTION

In an *inter partes* review proceeding, “a claim of a patent . . . shall be construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b).

Patent Owner submits that Petitioner’s arguments rely on a flawed construction of the limitation “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder. . . .” This limitation requires, among other things, that particular code is: (i) configured to be stored at the second node; (ii) configured to cooperate with a file explorer interface; and (iii) is utilized to **cause creation** of a representation of the at least one folder. Petitioner’s implicit construction, however, does not take into account the full weight of the above claimed phrase. Nor is it consistent with the plain and ordinary meaning of “creation” and instead conflates the term “creation” with the separately claimed “display.”

Regarding the latter, under a plain and ordinary meaning, “creation” would have been understood to mean “the act of creating,” Merriam Webster Online Dictionary, *available at* <https://www.merriam-webster.com/dictionary/creation> (last accessed July 15, 2020), and “creating” in turn would have been understood to mean “to bring into existence.” Merriam Webster Online Dictionary, *available at* <https://www.merriam-webster.com/dictionary/creating> (last accessed July 15, 2020), Thus, “cause . . . creation” would have been understood to mean “cause to bring into existence.”

With this plain meaning in mind, as described in detail below, it is clear that neither *Do* nor Petitioner describe that an alleged particular code at the second node in *Do* causes the creation of a representation or, in other words, brings such representation into existence. Instead, Petitioner only offers evidence that the particular code at the second node in *Do* may ***display*** a representation. (*E.g.*, Pet. at 39-40 (“[*Do*] discloses that a web file explorer (the file explorer interface) at the second node ***displays*** the shared folder (creation of a representation of the at least one folder) . . .”).) For this reason alone, Petitioner has failed to meet its burden.

Moreover, even if the plain and ordinary meaning of “cause . . . creation” is interpreted to include “display” or otherwise presenting the folder representation, the ’158 patent makes clear that “creation,” as used within the ’158 patent, excludes these additional interpretations. More specifically, the term “cause . . . creation of a representation of the at least one folder,” as recited within claim 3 of the ’158 patent cannot be interpreted or construed to mean “display a representation of the at least one folder,” because this term is claimed as a ***separate and subsequent claim element*** within claim 3. (*See* Pet. at 45 (reciting Element 3.k: “cause, at the second node, ***display of the representation of the at least one folder*** in the location among the one or more folders on the file explorer interface.”).) Any attempt to improperly construe the term “creation” so as to conflate the term with the separately claimed term “display” would be

inappropriate, as it would render the term superfluous. Therefore, for the above reasons, the term “causing . . . creation” cannot be construed to include “display.” Thus, in the Petition, Unified has relied on a flawed construction of “creation” and accordingly failed to meet its burden when the entire limitation is given its proper meaning.

VI. OVERVIEW OF CITED PRIOR ART

A. *Do* (Ex. 1008)

Do teaches an online service allowing multiple users to share electronic documents over a computer network. Each user of this service may access a user interface specific to that user on the system after entering the user’s credentials. This specific user interface may have multiple panes, such as navigation and work panes. The navigation pane may list files owned by the user as well as a list of files shared with that user by other users. The user may select a file in the navigation pane to view the contents of the file within the work pane or may select files to share with other users. These shared files will then automatically appear in the other users’ interfaces. Additionally, a user may share the file with users who are not registered with the system, who will then be able to access the file through a generic interface or register and view the file on their own interface. (Ex. 1008 at Abstract.)

B. *Shapiro* (Ex. 1009)

Shapiro teaches that a user's personal computer can be used as a personal network server for easily sharing digital information with other people using assorted devices. (Ex. 1009 at Abstract.) The invention of *Shapiro* relates to systems and methods that facilitate easy sharing of the digital information while dynamically transforming the digital information based on desired formats linked to the requested party. (*Id.* at [0001].) In this system, a viewer of another's digital information may request access to said information. The described system may comprise a communication interface, a permission manager module, and a connection manager module. The communications interface receives a viewer's request for the personal digital information maintained on the user computer. The permission manager module operates by authenticating the viewer's request. The connection manager module is coupled to the communication interface and the permission manager module, and maintains a connection to the user computer and receives the personal digital information from the user computer via the connection in response to a client request associated with the viewer's request. The connection manager module also provides the personal digital information in a predetermined format to the communication interface. (*Id.* at [0014].)

VII. THE PETITION SHOULD BE REJECTED BECAUSE PETITIONER IS STATUTORILY BARRED FROM BRINGING THE PETITION UNDER § 315(A)(1)

A. The Petition Fails to Name All Real Parties in Interest

Based on evidence available at this time, Unified has failed to name all RPIs in its Petition. The Federal Circuit has explained that the term “RPI” is given an “expansive” common law meaning, to “ascertain who, from a ‘practical and equitable standpoint, will benefit from the redress that the chosen tribunal might provide.” *AIT*, 897 F.3d at 1349. In determining whether a party is an RPI, such an inquiry requires “a flexible approach that takes into account both equitable and practical considerations, with an eye toward determining *whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.*” *Id.* at 1351.

Based on the information available at this time and belief, it is clear that:

(i) Petitioner’s membership business model is analogous to that of RPX, the petitioner in *AIT*;

(ii) [REDACTED]

[REDACTED]

(iii) [REDACTED] benefits from the Petition and thus should be named an RPI in this proceeding; and

(iv) [REDACTED]

[REDACTED] and is precluded from filing a petition for *inter partes* review along with its RPIs, such as Unified.

1. Petitioner’s Membership Business Model Is Analogous to That of RPX

Unified’s business model relies on collecting subscription fees from its members to fund its filing of IPRs. These fees are used to fund petitions in particular sectors of technology, or “Zones” as identified by the subscriber members. As such, the members can control or direct what “Zones” their fees are used to fund, thereby controlling the types of petitions funded by their fees, i.e., technologies relevant to their businesses.

This business model is analogous to that of RPX, the petitioner in *AIT*. In *AIT*, the Federal Circuit concluded RPX acted as a proxy for its members. In the *AIT* analysis, the Federal Circuit highlighted these facts, among others: (1) “RPX, unlike a traditional trade association, is a for-profit company whose clients pay for its portfolio of ‘patent risk solutions’”; (2) one of RPX’s strategies “for transforming the patent market is ‘the facilitation of challenges to patent validity’”; and (3) the fact that RPX opts not to discuss specific IPRs with clients may be for the purpose of circumventing the RPI requirement. *Id.* at 1351-52 & n.4. The court repeatedly emphasized that RPX had advertised that its “interests are 100% aligned with those of [its] clients.” *Id.* at 1340, 43, 57; *see also id.* at 62, 64 (Reyna, J., concurring).

The Federal Circuit concluded that these facts collectively “imply that RPX can and does file IPRs to serve its clients’ financial interests, and that a key reason

clients pay RPX is to benefit from this practice in the event they are sued by an NPE.” *Id.* at 1352.

Unified’s business model is strikingly similar to the above. As discussed above, Unified is a subscription and membership-based organization that collects fees from its members in exchange for protecting the members. The members receive this protection by declaring “Zones” to be funded by their subscriptions. Upon information and belief, a member selects the “Zone” that would best provide protection for itself. This protection is provided by Unified’s stated goal to “improve patent quality and deter unsubstantiated or invalid patent assertions in defined technology sectors (Zones) through its activities.” (Ex. 2003 [FAQ – Unified Patents – Current], *available at* <https://www.unifiedpatents.com/faq> (last accessed July 15, 2020).)

Unified alleges that it performs its work completely separate from its members; stating that “Unified . . . does not discuss details with its members concerning the preparation and prosecution of any patentability or validity challenge before the USPTO, including whether Unified will (or will not) file.” (*Id.*) In addition, Petitioner states that “Unified retains sole and absolute discretion regarding all aspects of any challenge,” including “preparing a petition or request.” (*Id.*) These self-serving statements and actions are clear attempts to avoid a finding that its members are RPIs. But they are not sufficient. At the outset,

members of Unified's business model subscribe and pay fees with the understanding that Unified will bring IPR petitions against patents that are asserted against them within the selected "Zones."

Indeed, Unified is not a trade association, but rather a for-profit company that collects the above-described fees in order to provide protection to its members within its various zones. These members are also typically for-profit organizations, not charitable associations aimed towards the protection of another entity's patents. As such, it is obvious members only subscribe to Unified's membership program with the anticipation that *their own organization will be protected* within its defined "Zones." To assume otherwise implies that these large, for-profit organizations that maintain large internal accounting and financial groups, [REDACTED] are paying fees to Unified for nothing in return other than a hope that Unified will decide to protect it. If that were the case, these large, complex organizations would be better served by saving the fees paid for the mere possibility of IPR assistance and instead, paying for legal services when needed. As such, these intelligent and business savvy entities only agree to pay these fees because it is known that Unified will take the steps to file IPRs to protect and benefit its members who have paid funds into a particular "Zone."

For the above reasons, it is clear that Unified's members have a preexisting, established relationship, and receive a clear benefit in exchange for the payment of

subscription fees. *See AIT*, 897 F.3d at 1351. Unified’s business structure is purposefully designed to try to protect its members from being deemed RPIs in its petitions. In doing so, Unified attempts to circumvent the stated goal of “protect[ing] patent owners from harassment via successive petitions by the same or related parties,” and “prevent[ing] parties from having a ‘second bite at the apple,’ and to protect the integrity of both the USPTO and Federal Courts by assuring that all issues are promptly raised and vetted.” 77 Fed. Reg. 48,759. As such, Unified acts as a proxy for its members, filing IPRs against patents in a manner that protects the entities from statutory bars, such as a time bar or rejection due to an RPI filing a prior declaratory judgment for invalidity.

Additionally, “[a] key reason clients pay RPX is to benefit from this practice [of filing IPR petitions] in the event they are sued by an NPE.” *See AIT*, 897 F.3d at 1351-52. From “a practical and equitable standpoint,” Unified’s **members** are the parties who “will benefit from the redress” that would flow from grant of the IPR. *AIT*, 897 F.3d at 1349. As in *AIT*, this evidence is more than sufficient to show that at least one of Unified’s members in the “Zones” relevant to the ’158 patent [REDACTED] Nor does it matter that Unified may provide other services to its members. In *AIT* the Federal Circuit noted that RPX provided a variety of **services**—i.e., plural—to its members. *AIT*, 897 F.3d at 1340-41, 1351-52 (discussing RPX’s “patent risk

solutions” and IPRs as “one of its ‘*strategies*’”), 1353 (“Given that *one of RPX’s publicly stated business solutions is to file IPRs . . .*”). Thus, Unified cannot hide behind the argument that it does more than file IPRs for its members.

Furthermore, Petitioner’s “Responses to Voluntary Interrogatory” (Ex. 1012) are noteworthy for what they do not say rather than what they do say. For example, No. 1 limits the subject of the communications, omitting things such as whether a member requested Unified to file an IPR (which may not fall under “input” from a member). Indeed, Petitioner’s responses indicate that it *does* receive communications from members but allegedly does not “consider” such communications even where the member recommends a particular patent to challenge or prior art to use. (Ex. 1012 at 3.)

2. Unified failed to name at least [REDACTED] as an RPI

[REDACTED]

Unified has identified two ongoing cases involving the challenged patent in its Petition. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b. [REDACTED] Is a Beneficiary of the Petition

[REDACTED] [REDACTED] has agreed to indemnify the Defendants in the first action and is contesting validity in the second action and therefore stands to benefit directly from this Petition regarding the patentability of the '158 patent.

[REDACTED]
[REDACTED]
[REDACTED] with a direct benefit that depends on the Petition as it is the only party that is responsible for the two cases in which the '158 patent is asserted. Notably, in both litigations the accused activity is the use of [REDACTED]
[REDACTED]. Thus, [REDACTED] is in a unique position to benefit directly from the Petition—yet it is not named as an RPI.

Presumably, [REDACTED] is not named because it has brought an action for declaratory judgment of invalidity, and therefore, cannot file its own petition for IPR against the '158 patent. 35 U.S.C. § 315(a)(1) (“An inter partes review may not be instituted if, before the date on which the petition for such a review is filed, the petitioner or real party in interest filed a civil action challenging the validity of a claim of the patent.”) As such, [REDACTED] is receiving the specific benefit of the Petition even though [REDACTED] itself, is barred from challenging the '158 patent in an IPR. Such benefit is distinct from the circumstances in IPR2019-00482 as

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. The Petition Presents an Example of Unified's Ongoing Practice of Filing IPR Petitions when Parties that will Directly Benefit are Barred from Filing a Petition

As described above, this Petition is an attempt by Unified to circumvent statutory bars [REDACTED]. In this case, Unified has filed this Petition in [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Though [REDACTED] is the only beneficiary, it cannot bring forward its own petition because it is barred from such a request under 35 U.S.C. § 315(a)(1).

This is an example of Unified's ongoing practice of filing petitions to benefit [REDACTED] parties that are barred from filing their own petition. Specifically, based on publicly available information, Unified has filed petitions that [REDACTED] [REDACTED] [REDACTED].⁴ In all 5 instances, the petitions were

⁴ See *Unified Patents, LLC et al. v. Beacon Navigation GmbH et al.*, IPR2018-01024, Paper 1 (PTAB May. 4, 2018); *Unified Patents, LLC et al. v. C-Cation Technologies, LLC et al.*, IPR2015-01045, Paper 1 (PTAB Apr. 13, 2015); *Unified Patents, LLC et al. v. Level 3 Communications, LLC et al.*, IPR2014-00702, Paper 1 (PTAB Apr. 28, 2014); *Unified Patents, LLC et al. v. Parallel Iron LLC et al.*, IPR2013-00639, Paper 1 (PTAB Sep. 30, 2013); and *Unified Patents, LLC et al. v. Clouding IP LLC et al.*, IPR2013-00586, Paper 1 (PTAB Sep. 16, 2013.)

allowed. Unified [REDACTED] should not be allowed to skirt the clear statutory bars that Congress put in place to protect Patent Owners from such abusive practices.

Therefore, for at least the above reasons, the Petition should be rejected.

VIII. THE PETITION SHOULD BE REJECTED UNDER § 314(a) BECAUSE PETITIONER IS UNLIKELY TO PREVAIL WITH RESPECT TO ANY CHALLENGED CLAIM

The Board should decline review under 35 U.S.C. § 314 (a) because as set forth in more detail below, there is no reasonable likelihood that Petitioner will prevail with respect to any challenged claim.

A. Ground 1 of the Petition Fails: Claims 3-11 Are Not Rendered Obvious by *Do* in view of *Shapiro*

1. *Do* Fails to Teach or Suggest “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder” of Independent Claim 3

Do fails to teach or suggest the claim element “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder. . . .” recited by independent claim 3 of the ’158 patent.

Petitioner argues that the terms “utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explore interface” and “creation of a representation of the at least one folder in

a location among one or more folders on the file explore interface” are taught by *Do*, but fails to acknowledge the link between the terms and the actual features of the challenged claim element. In particular, Petitioner fails to describe how *Do* teaches or suggests that the “particular code” is: (i) configured to be stored on a storage at the second node; (ii) configured to cooperate with a file explorer interface; and (iii) is utilized to **cause creation** of a representation of the at least one folder, as recited within independent claim 3. In fact, as established below, *Do* actually **teaches away** from the abovementioned claim requirements.

Specifically, in the Petition, Unified begins by alleging that *Do* discloses “creation of a representation of the at least one folder” because it allegedly discloses that a “web file explorer (the file explorer interface) at the second node **displays** the shared folder (creation of a representation of the at least one folder.)” (Pet. at 39-40.) This argument is flawed. First, the “display” of a folder representation does **not** meet the claimed “creation” of the folder representation. In fact, Patent Owner separately and subsequently claims the “display” of the folder representation in Element 3.k, which requires a technique to “cause, at the second node, **display** of the representation of the at least one folder in the location among the one or more folders on the file explorer interface.” Notably, Petitioner relies on the **same** disclosures in *Do* (Fig. 5) to meet **both** the **separately** claimed “cause creation” and “display” of the folder representation. The fact alone that

Petitioner is relying on the *same* “display”-related evidence to meet *both* the separately claimed “display” and “creation” (of a folder representation) dooms the Petition. “Where a claim lists elements separately, ‘the clear implication of the claim language’ is that those elements are ‘distinct component[s]’ of the patented invention.” *Gaus v. Conair Corp.*, 363 F.3d 1284, 1288 (Fed. Cir. 2004); *see also CAE Screenplates, Inc. v. Heinrich Fiedler GmbH & Co.*, 224 F.3d 1308, 1317 (Fed. Cir. 2000) (“In the absence of any evidence to the contrary, we must presume that the use of . . . different terms in the claims connotes different meanings.”)

More importantly, the evidence cited by the Petition fails to meet and actually *teaches away* from Patent Owner’s claimed “*caus[ing]*”, utilizing *particular code* ... *stored* on a storage *at the second node*..., *creation* of a representation of the at least one folder” Specifically, Petitioner does *not* describe how *Do*’s alleged particular code stored at the second node, the web-based file explorer, causes the *creation* of a representation of the at least one folder. Instead, the cited excerpts from *Do* merely teach that “... the *online service* may automatically add the shared artifact to the recipient's navigation pane ...” But by virtue of being “on-line,” the cited “on-line service” that “automatically add[s] the shared artifact,” cannot meet the claimed “particular code ... *stored on a storage at the second node*,” which is specifically claimed to be utilized to *cause creation of the folder representation*.

To provide more context as to the paramount importance of this distinction, *Do* specifically discloses, at paragraphs [0038] and [0042], that the aforementioned “*[o]nline service* is hosted *on server 150* connected to computer network 110” and a “*web browser* that displays HTTP pages and server 150 [which] may *render the interface as one or more HTTP pages*. Using a *browser-based interface* may allow a user to *access* artifacts *on server 150* from any computer that supports such a *browser*.” Thus, it is clear, from *Do*’s disclosure, that any creation of the folder representation is caused by *the server 150* (or the *first node 120*), but, in *no case*, is there any creation of the folder representation by the browser. This is shown, for example, in Figure 5, where the browser is the only software code disclosed at the second node. Further, any argument that the HTTP pages themselves, when displayed via the aforementioned browser, constitutes the claimed “particular code ... stored on a storage at the second node” similarly fails. Specifically, *Do* teaches that “... *the online service may automatically add* the shared artifact” and such artifact (on the server 150) is merely *rendered* as HTTP pages by the browser. There is simply *no* disclosure that the HTTP pages themselves include code at the second node to cause creation of the folder representation. Again, as evidenced by the *Do* excerpts cited above, it is not the HTTP pages (nor the client browser that displays the HTTP pages), but rather the *on-line service* hosted by *server 150* that automatically adds the shared artifact.

It should be noted that the Petitioner's expert declaration specifically avoids this issue by *only* stating, in connection with the "creation" claim term at paragraphs 151 and 153, that "Do discloses the creation of a representation in a file explorer interface." See excerpts below:

151. Do discloses the creation of a representation of a file or folder "in a location among one or more folders on the file explorer interface."

[0072] An example of an interface is shown in FIG. 5, where the shared artifact is "School year 06/07" 542, but any suitable interface could be used. If the second user is viewing the second user's interface at the time that the first user shares the artifact with the second user, then the shared artifact may be automatically added to the second user's interface while the second user is viewing it. If the second user is not viewing the second user's interface at the time that the first user shares the artifact with the second user, then the shared artifact may automatically appear in the second user's interface the next time the second user accesses his or her interface. At block 1130, the second user selects the shared artifact to view the contents of the shared artifact in the context of the second user's interface. An example of an interface is shown in FIG. 5, but any suitable interface could be used.

Id. at [0072] (emphasis added).

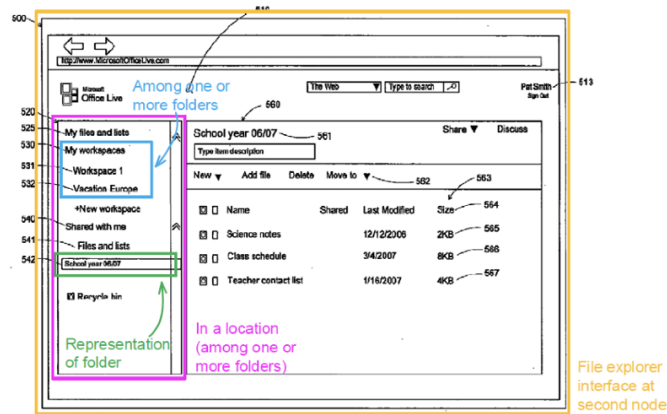
153. Do discloses the creation of a representation in a file explorer interface:

[0031] In comparison, the online service may automatically add the shared artifact to the recipient's navigation pane, and further, the online service may allow the recipient to organize the shared artifacts to his or her liking. Further, the shared artifact may appear without distractions caused by accessing the artifact in the context in which it is stored. For example, an artifact may be stored in a folder within a directory structure that contains other folders and other artifacts. The other folders and files may be irrelevant to the recipient. Presenting a representation of an artifact in the context of the recipient's interface allows the artifact to be presented without distractions that could be caused by presenting the artifact in the context in which the artifact is stored.

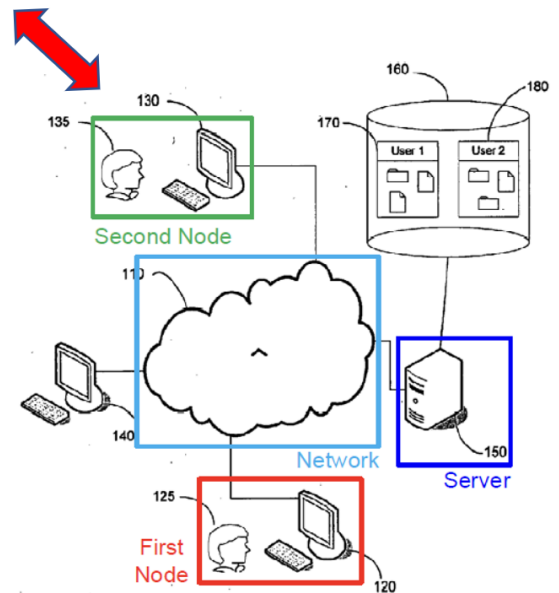
It is noteworthy that the Petitioner's expert does not argue *what* code is responsible for "the creation of a representation in a file explorer interface." Indeed, the reason for this silence is that the highlighted evidence cited by Petitioner's expert relates to what the "*online service*" (server 150) creates and *not* what, if anything, any code (the browser) on the computer 130 (second node) creates. As noted above, paragraph [0031] specifically discloses that "the *online service* may automatically *add* the shared artifact to the recipient's navigation pane" in connection with the highlighted disclosure that the added "artifact may be stored in a folder within a directory structure that contains other folders and other artifacts."

Thus, borrowing from the annotated *Do* excerpts in the Petition that are assembled and annotated below, *Do* clearly teaches a browser (at computer

130/second node) that merely *displays* artifacts, where such artifacts are added at the server 150, and *not* at computer 130/second node. In sharp contrast, the claimed invention is clearly directed to code *stored on the second node* that is utilized to “*cause . . . creation*” of the folder representation, as opposed to just the “display” of a folder representation that was created elsewhere.



Ex. 1008, Fig. 5 (annotated)



Ex. 1008, Fig. 1 (annotated)

Here, Patent Owner’s invention departs from *Do* by ***not*** relying ***exclusively*** on a server (server 150) for the ***creation*** of folder representations. Instead, Patent Owner specifically claims code stored ***on the second node*** that is utilized for creation of the folder representation. This significant feature is simply ***not*** taught or suggested by *Do*. Further, by no means is this a contrived or strained argument, as these claim limitations purposefully distinguish art such as *Do*. While not necessary to distinguish *Do*, the specification and dependent claims expand on this feature by, for example in Claim 16 (which depends on Claim 3), requiring that “the ***particular code*** ... takes the form of an ***extension*** for being executed by the at least one second processor in connection with other code associated with the file explorer interface.”

It should be noted that no proper construction of the term “creation” can save Unified’s petition. As established earlier, under a plain and ordinary meaning, the term “create” is understood to mean “to bring into existence.” Merriam Webster Online Dictionary, *available at* <https://www.merriam-webster.com/dictionary/create> (last accessed July 15, 2020.) With this plain meaning in mind, it is clear that neither *Do* nor Petitioner describe that the alleged particular code at the second node in *Do* causes the creation of the representation or, in other words, brings such representation into existence. Rather, evidence has only been proffered that an ***online service*** on ***server 150*** automatically adds the

shared artifact, for being simply *rendered* as HTTP pages by a browser on computer 130. Indeed, in *Do*, neither the browser, nor the HTTP pages rendered by the browser, are disclosed to do anything other than display what the *online service* on *server 150* automatically *adds*.

Additionally, even if the plain and ordinary meaning of “creation” is interpreted to include “display” or otherwise presenting the folder representation, the ’158 patent makes clear that “creation,” as used within the ’158 patent, excludes these additional interpretations. As mentioned earlier, the term “creation of a representation of the at least one folder,” as recited within claim 3 of the ’158 patent cannot be interpreted or construed to mean “display a representation of the at least one folder,” because this term is claimed as a separate and subsequent claim element within claim 3. (*See* Petition at 45) (reciting Element 3.k: “cause, at the second node, *display of the representation of the at least one folder* in the location among the one or more folders on the file explorer interface.”) Any attempt to improperly construe the term “creation” so as to conflate the term with the separately claimed “display” term would be inappropriate, as it would render the term “creation” superfluous and non-limiting. *Becton, Dickinson and Co. v. Tyco Healthcare Group, LP*, 616 F.3d 1249, 1257 (Fed. Cir. 2010) (interpretation rendering term superfluous strongly disfavored). Therefore, for the above reasons, the term “creation” cannot be construed to include “display.” Again, in the

Petition, Unified has failed to describe how *Do* teaches or suggests a particular code, stored at the second node, that causes the creation of a representation of a folder, that conforms to a proper construction.

In conclusion, Petitioner has, thus, not provided any evidence that *Do* teaches or suggests “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder . . .” To the contrary, the *Do* excerpts cited by the Petitioner evidence the opposite; namely, that *Do* teaches adding an artifact utilizing an on-line service *at server 150* (and *not* computer 130). Further, there is no proper construction of “causing . . . creation” that would save the Petitioner’s arguments. Therefore, the sole ground of the Petition fails.

2. *Shapiro* Fails to Teach or Suggest “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder . . .” of Independent Claim 3

Petitioner does not provide any evidence that *Shapiro* teaches or suggests “caus[ing], utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder . . .” As such, Petitioner has not shown that *Shapiro* corrects the above-described deficiencies of *Do*.

3. *Do* and *Shapiro* Do Not Render Obvious Dependent Claims 3-11 and 13 of the '158 Patent

Do does not anticipate or render obvious dependent claims 4-11 and 13, because (at a minimum) they depend from independent claim 3, which is not rendered obvious, for all the reasons set forth above. Because independent claim 3 is not rendered obvious, each dependent claim likewise would not have been obvious.

Nor does the combination of *Do* and *Shapiro* render obvious dependent claims 4-11 and 13. At a minimum they depend from independent claim 3, which is not rendered obvious, for all the reasons set forth above. Because independent claim 3 is not rendered obvious, each dependent claim likewise would not have been obvious.

Therefore, Petitioner has not met its burden to show that it is likely to prevail as to at least one claim of the '158 patent and the Petition should be rejected.

IX. CONCLUSION

For the foregoing reasons, the Petition to institute *inter partes* review of any claim of the '158 patent should be denied.

Dated: July 15, 2020

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that there are 8,056 words in this paper, excluding any table of contents, table of authorities, mandatory notices under 37 C.F.R. § 42.8, certificate of word count, certificate of service, or appendix of exhibits. This certification relies on the word count of the word-processing system used to prepare this paper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2020, I caused a true and correct copy of the foregoing materials to be served via the Patent Office electronic filing system, and electronic service via email to the following attorneys of record pursuant to Petitioners' consent.

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Timothy Devlin

APPENDIX D

Derek Dahlgren

Subject: FW: IPR2020-00705 - Unified Patents, LLC v. Motion Offense, LLC - HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

From: Tennant, David M. <dtennant@whitecase.com>

Sent: Wednesday, July 15, 2020 10:19 AM

To: Derek Dahlgren <ddahlgren@devlinlawfirm.com>

Cc: afawzy@unifiedpatents.com; Timothy Devlin <tdevlin@devlinlawfirm.com>

Subject: IPR2020-00705 - Unified Patents, LLC v. Motion Offense, LLC - HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

Derek,

We are sending this email to only Lead and Backup Counsels for Patent Owner.

Unified discloses the following information under the agreed and stipulated Protective Order as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY information, and with the understanding that Lead and Backup Counsels are abiding by the terms of the Protective Order.

- [REDACTED]

As you know, Unified is under no current obligation to disclose any information in this proceeding, and especially prior to institution, but has done so in furtherance of transparency and compromise, and to lessen the burden on the Board, despite Patent Owner's belated request. We expect a similar compromise from Patent Owner in regards to our reasonable request for a reply to the POPR should that be necessary.

Regards,
David

David Tennant | Partner

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